

California Regional Water Quality Control Board  
North Coast Region

Order No. R1-2005-0043

Waiver of Waste Discharge Requirements

for

Circuit Rider Productions  
Giant Reed Removal and Habitat Restoration in the Russian River Watershed  
Mendocino and Sonoma Counties

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. On February 10, 2005, the Regional Water Board received information from Circuit Rider Productions (hereinafter Discharger) to constitute a complete report of waste discharge for their proposed Giant Reed Removal and Habitat Restoration in the Russian River Watershed (hereinafter project).
2. *Arundo donax*, also known as giant reed or elephant grass, is an invasive plant species within the Russian River watershed. In environments where this plant is not native, it can spread rapidly, outcompeting and killing native vegetation. This, in turn, can impair wildlife habitat, both terrestrial and aquatic. Unlike native riparian plants, *Arundo* provides little shading to the in-stream habitat, leading to increased water temperatures and reduced habitat quality for aquatic wildlife (Hoshovsky 1988). In addition to these adverse effects, *Arundo* reportedly consumes three times more water than native plants, is a fire hazard, and creates serious flood control problems.
3. The proposed project will be conducted along portions of the Russian River, as well as along numerous tributaries to the Russian River. Attachment A shows the Russian River watershed and streams within the watershed that are known to be infested with giant reed. The project will be conducted on lands owned by many different public and private entities.
4. The project will consist of removal of giant reed physically, through the use of tarps, and through application of glyphosate herbicide. Giant reed removal activities will be conducted from the upper reaches of watercourses towards the lower reaches, in order to minimize the potential for the creation of new infestations in removal areas. As the giant reed is removed from various watercourses or segments thereof, the discharger proposes to revegetate removal areas with native plants. The discharger may also plant native vegetation along disturbed stream segments not associated with giant reed removal as these areas are identified and landowners provide access.
5. The life of the project depends on funding. The Discharger anticipates that, if fully funded, the project may take approximately ten years to complete.
6. Removal Methods and Water Quality Protection Measures

a. Tarps

Tarping efforts will involve first manually removing as much of the biomass (above-ground vegetation) as possible. Heavy duty, opaque plastic tarps will then be placed over the cut stems and secured with stakes or large weights. Tarps will not be placed over native plants. Tarps will remain in place from April through October.

The Discharger will inspect the tarps every two weeks, and will make any necessary repairs or adjustments to the tarps. The tarps are composed of materials that are expected to be resistant to photodegradation for up to 20 years.

Because 1) the tarps will only be used between April and October, a period when streamflows are not typically high; 2) the discharger will be regularly inspecting and maintaining the tarps; and 3) the tarps are not likely to deteriorate in the sun, it is unlikely that tarps, or pieces thereof, will enter or adversely affect receiving waters as a result of this project.

b. Physical Removal

Physical removal will include root removal either by hand or by machine. Physical removal activities will only be conducted between June and October. Physically removed materials will be disposed of outside of the floodplain. Heavy equipment will not be operated within 50 feet of surface waters.

Following physical removal, disturbed soils will be mulched prior to the winter period (October 15), and will be revegetated with native plantings during the first winter following project initiation. In addition, the Discharger proposed to conduct "pre-emptive revegetation," by planting native plants in areas of bare ground between, around, and near giant reed stands. The Discharger proposes to inspect revegetated and/or restabilized sites monthly during the winter to ensure that erosion and sediment issues are not developing. The Discharger also indicates that no phase of the project will be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event, if that construction phase may cause the introduction of sediments into a stream. The Discharger will consult seventy-two hour weather forecasts from the National Weather Service prior to starting any phase of the project which could result in sediment runoff to a stream.

Because of the measures the Discharger is proposing in order to prevent or minimize the potential for sediment discharges, it is unlikely that this project will create adverse water quality impacts as a result of sediment discharges.

c. Herbicide Application

For plants or infestations where tarping or physical removal are either not, or not expected to be, effective at removing giant reed, the Discharger proposes to apply

glyphosate herbicide to cut stems. Herbicide application activities will only occur between August and October.

The Discharger has committed to taking all possible steps to ensure that no herbicide enters a waterway. To that end, the Discharger has provided a Hazardous Materials Management/Spill Prevention Plan and a Worker Environmental Awareness Plan which include provisions to minimize the likelihood of spills, leaks, or drips of herbicide to waterways or to locations where they can enter waterways.

It appears that the management measures which the Discharger will be employing for herbicide application, including worker training, oversight during application, timing and locations of applications, weather restrictions, equipment design, mixing protocol, etc. will minimize the potential for herbicides to enter receiving waters. In order to test this conclusion, Regional Water Board staff and the Discharger will work together to develop an effectiveness monitoring program. The attached Monitoring and Reporting Program further describes the objectives of this proposed effectiveness monitoring program.

7. The Discharger proposes to plan and implement the project based on Hydrologic Subarea (HSA) unit and, before beginning any giant reed removal activities, will assess the giant reed within the HSA and will develop a giant reed removal strategy for that area, employing one or more of the methods described above. The Discharger will submit the removal strategy proposal for each HSA to the Regional Water Board for review prior to commencing those activities with the potential for waste discharge to waters of the State within that HSA (physical removal or herbicide application).
8. The Water Quality Control Plan for the North Coast Region (Basin Plan) lists the following beneficial uses for the Russian River:
  - a. municipal and domestic supply
  - b. agricultural supply
  - c. industrial service supply
  - d. industrial process supply
  - e. groundwater recharge
  - f. navigation
  - g. hydropower generation
  - h. water contact recreation
  - i. non-contact water recreation
  - j. commercial and sport fishing
  - k. warm freshwater habitat
  - l. cold freshwater habitat
  - m. wildlife habitat
  - n. preservation of rare, threatened, or endangered species
  - o. migration of aquatic organisms
  - p. spawning, reproduction, and/or early development
  - q. estuarine habitat
  - r. aquaculture

9. Beneficial uses of areal groundwaters include:
  - a. municipal and domestic water supply
  - b. agricultural water supply
  - c. industrial service supply
  - d. industrial process supply
10. The Basin Plan contains water quality objectives and prohibitions (Water Quality Standards) designed to protect the above-listed beneficial uses of water. Compliance with Water Quality Standards will protect the beneficial uses listed in Findings 8 and 9, above.
11. Based upon the information submitted to this office, Regional Water Board staff believe, and the Regional Water Board hereby finds, that the discharge from this project will comply with all applicable water quality standards.
12. Section 13269 of the California Water Code states that a Regional Water Board may waive waste discharge requirements for a specific project or type of discharge if the Regional Water Board finds a waiver to be in the public interest. Section 13269 provides that any waiver of waste discharge requirements shall be conditional, enforceable, may be terminated at any time by the Regional Water Board, and absent certain findings, must include a monitoring provision.
13. On October 15, 2004, the Sotoyome Resource Conservation District (RCD) certified a mitigated negative declaration for this project, in compliance with the California Environmental Quality Act (CEQA) (Calif. Pub. Resources Code, § 21000 et seq.).
14. For purposes of CEQA, the RCD acted as lead agency in preparing the required environmental documents, and the Regional Water Board acts as a responsible agency. The Regional Water Board has reviewed the report of waste discharge described above and the CEQA documents prepared by the RCD, considered the environmental effects shown therein, and finds that all potentially significant adverse environmental impacts have been identified and mitigated to below a level of significance.

IT IS HEREBY ORDERED that the Discharger shall comply with the following:

1. At least 30 days prior to commencing activities with the potential for waste discharge to receiving waters in any HSA of the Russian River watershed, the Discharger shall submit a notification package to this Regional Water Board including the following information:
  - a. Project description and list of property owners.
  - b. Map for each HAS showing infestation areas, ground contours, floodplain (if information available), and potential grab sample monitoring locations. (It should be noted that as the project progresses, Regional Water board staff may work with the Discharger to refine or revise the scale and content of project maps as appropriate to ensure that maps efficiently convey information necessary to facilitate project review.)

- c. Information regarding proposed giant reed removal methods to be employed within the HSA.
  - d. Proposed general schedule for addressing infestations within the HSA.
  - e. Information regarding adjacent land uses (as available); this information can be included on the project map(s).
  - f. Statement of intent to implement the management measures included in the Report of Waste Discharge and to comply with the conditions of this waiver.
2. At the beginning of each month in which activities with a potential for discharge will occur, the Discharger shall provide Regional Water Board staff with a planned schedule of project activities for the month, giving information as to location(s) of activities and proposed schedule for activities, including potential grab sample monitoring locations. Regional Water board staff recognize that the schedule may change, so will contact the Discharger for up-to-date information within the month as needed.
3. Following completion of all proposed restoration activities within a given HSA and a determination by the Discharger that no further stabilization or water quality protection efforts are necessary within the HSA, the Discharger will notify the Regional Water Board in writing, seeking termination of coverage for that HSA under this Waiver. In response, Regional Water Board may inspect the HSA, or portions thereof, and, if staff determine that the removal activity sites within the HSA no longer poses a threat to water quality, staff will advise the Discharger in writing that coverage for the HSA has been terminated.
4. General Provisions/Conditions
  - a. The Discharger shall conduct the project in accordance with the plans and other information submitted to this office on February 10, 2005.
  - b. If water quality pollution conditions are identified, either through visual observations or through monitoring, the Discharger shall cease activities until the problems are corrected.
  - c. Nothing in this waiver is intended to, nor does it, waive National Pollutant Discharge Elimination System (NPDES) permitting requirements, where applicable. If effectiveness monitoring shows that this project will result in herbicide discharges to receiving waters, the Discharger will need to either modify management measures to ensure no herbicide discharges to watercourses, or will need to seek coverage under the State Water Resources Control Board's NPDES permit for aquatic pesticide applications, or other appropriate NPDES permit coverage.
  - d. The Discharger shall maintain spill plans and other related water quality protection plans onsite and accessible at each project location during project-related activities.
  - e. The Discharger is responsible for informing all its subcontractors and workers of the conditions specified in this waiver, and for verifying compliance with these conditions.

- f. The Discharger shall comply with the attached Monitoring and Reporting Program, No. R1-2005-0044 incorporated herein by reference.
5. This Waiver will expire five years from the adoption date.
6. This Waiver can be revoked by the Regional Water Board at any time for failure to comply with the terms and conditions set out above, if there are indications of surface discharges requiring an NPDES permit, or if evidence indicates that water quality or beneficial uses are being adversely affected.
7. Nothing in this waiver, including compliance with provision (3)(f) above, precludes the Executive Officer from exercising her delegated authority to require additional monitoring or reporting requirements as may be necessary to protect water quality and ensure Basin Plan compliance.

Certification:

I, Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 22, 2005.

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Catherine Kuhlman  
Executive Officer